

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
DOCUMENT  
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DATE FILED: 08/25/08

SOFTWARE FOR MOVING, INC.,  
a New York Corporation,

Plaintiff,

vs.

LA ROSA DEL MONTE EXPRESS,  
INC., a New York Corporation, and  
LA ROSA DEL MONTE EXPRESS  
(CHICAGO), LLC, an Illinois Limited  
Liability Company,

Defendants.

Case No. 08-cv-00986 (JGK)

**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

Pursuant to the Court's Order of July 11, 2008, the following Civil Case Discovery Plan and Scheduling Order is adopted, solely for purposes of a Hearing under §4 of the Federal Arbitration Act, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil procedure. (Note: all proposed dates should be for weekdays only)

The Hearing (is) (is not) to be tried to a jury.

Joinder of additional parties must be accomplished by N/A.

Amended pleadings may be filed until N/A.

**Discovery:**

1. Interrogatories are to be served by all counsel no later than August 1, 2008, and responses to such interrogatories shall be served within fifteen (15) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than August 1, 2008. Responses to such document requests shall be served no later than August 15, 2008.
3. Depositions to be completed by September 10, 2008.
  - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.

- b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than N/A.
5. Requests to Admit, if any, to be served no later than August 29, 2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by September 10, 2008.

Hearing September 12, 1008 @ 2:00 p.m.

(Counsel in receipt of this scheduling order is to notify their adversary of the date and time of this Initial Case Management Conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. \_\_\_\_\_, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

New York, New York

Dated:

8/12/08

SO ORDERED

  
Hon. John G. Koeltl, U.S.D.J.

Richard J. Sullivan  
Part I